



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2301577

Applicant Name: Nancy Garrison

Address of Proposal: 7750 35th Avenue Northeast

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish a temporary use for less than six months (produce stand).
Parking for two vehicles to be provided on site.

The following approval is required:

Temporary Use Permit - Chapter 23.42.040.

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
another agency with jurisdiction.

BACKGROUND DATA

Site Location: 7750 35th Ave NE

Zoning: Multifamily Lowrise 2 (L-2)

Parcel Size: Approximately 15,000 square feet.

Existing Site Condition and Use:

The development site is relatively flat gravel and grass vacant lot, with several mature trees located along the north and south perimeters. Parking curbs and light fixtures are strategically located on the lot to accommodate vehicle parking for a significant number of vehicles. However, the gravel and grass lot is not stripped for parking. There are no buildings or permanent structures at the development site. A Metro bus stop for northbound routes 64 and 65 is situated adjacent to the development site in the 35th Avenue Northeast right-of-way.

Zoning in Vicinity: The development site is located within a 130 foot by 485 foot (approximate) Multifamily Lowrise 2 (L-2) zoning band running north and south within the Wedgwood neighborhood. Zoning in the vicinity is predominately Single Family 5000 (SF5000) with a very small area designated Multifamily Lowrise 2, Residential-Commercial (L-2 RC) located immediately across Northeast 80th Street, just north of the subject lot.

Uses in Vicinity: Uses in the vicinity are primarily single family residences with Wedgwood Presbyterian Church to the north of the subject site. The Wedgwood U.S. Post Office is located to the south at 7724 35th Ave. NE. Further south are a number of neighborhood commercial businesses anchoring the retail use in this northeast sector of Seattle.

Proposal Description:

The applicant, Nancy Garrison, proposes to temporarily operate a fruit and vegetable stand on a vacant parcel of land within the Wedgwood neighborhood. The proposed fruit and vegetable stand will consist of a display tent structure and panel van to be located near the west edge of the development site abutting 35th Avenue Northeast. This commercial operation would be in use for less than six months through this approval and would include a small refrigeration truck near the perimeter's south boundary line. The proposed temporary use would utilize the existing surface parking lot on site.

Public Comment:

The 14-day public comment period was extended an additional 14 days which ended June 18, 2003. A total of four written comment letters were received. Concerns ranged from setting the tent back an additional three to four feet to ease the congestion around the Metro bus stop. Another comment suggested turning the activity area towards the lots interior to encourage motorists to drive on to the lot. One letter approved of the current siting of the tent as is. A final comment letter expressed concerns regarding the administrative operation of the fruit stand and wanted specific authorization from the property owners.

ANALYSIS - TEMPORARY USE

Pursuant to SMC 23.42.040, the Director may grant, deny, or condition application for temporary use authorization for uses not otherwise permitted or not meeting development standards in the zone, which are in keeping with the spirit and purpose of the Land Use Code. The Code states that, “A Master Use Permit for any use for more than four (4) weeks which does not involve the erection of a permanent structure may be authorized under the following conditions: the use shall not be materially detrimental to the public welfare; and the use shall not be injurious to property in the vicinity.”

The proposed temporary use would not otherwise be permitted in the zone, but the physical impact on the development site would not have a lasting effect after the use has expired. During the past several years the applicant has operated a fruit and vegetable stand for less than four weeks at the same location and has been a welcomed addition to this neighborhood during the summer months. The old world charm of interacting directly with a farmer increases the connection between the agricultural and urban community. Thus, harkening back to a time when neighborhoods were strengthened socially with the presence of local vendors within their communities. Operations such as this fruit stand increase a sense of vibrancy to the neighborhood where neighbors can walk and share in enhancing social connections with others. This small operation has grown to include additional seasonal fruits and vegetables which have extended the length of time they need to sell produce at the development site. The planned operation hours will stay the same as in previous years, 9:00 a.m. to 7:00 p.m., and seven (7) days a week. In the past, a sign has been used to discourage vehicles from parking in the right-of-way to directing motorists to park on the subject lot. Most retail activities would take place within a temporary tent structure which minimizes adverse impacts to surrounding properties from additional noise and pedestrian activities that may be generated during peak times. Furthermore, the fruit and vegetable stand location does not immediately impact the surrounding residential uses. Across the 35th Avenue Northeast right-of-way, a primary arterial, are the closest residential homes that would be modestly impacted.

The proposed use does not pose detrimental impacts to the public welfare nor is it considered injurious to properties in the vicinity. The proposed fruit and vegetable stand would provide direct access to a local farmer and their produce that may be considered somewhat limited within the City limits. These types of enterprises can serve to enhance a sense of neighborhood character, providing opportunities for neighbor-to-neighbor social interaction. The temporary re-use of this space would not undermine the use of the residential properties in the zone or vicinity and would be permitted for a period of six months. At the end of the six-month period, the use must be discontinued.

DECISION - TEMPORARY USE

This temporary use application request is: **CONDITIONALLY GRANTED.**

CONDITIONS - TEMPORARY USE

1. The owners and operators shall maintain the Fruit Stand in a clean and orderly manner. All activity associated with the operation of the produce stand will be confined within the 10 ft. by 20 ft. tent with an allowance of a five foot wide display area on either side of the tent. One panel van and one refrigeration truck accessory to the proposed temporary use shall be allowed at the development site.
2. The hours of operation shall be limited to 9:00 a.m. to 7:00 p.m. for up to 6 months starting from the time of issuance of this permit.
3. No portion of the temporary use with accessory structures and equipment shall be located within one (1) feet of the property line along the 35th Street Avenue Northeast right-of-way.
4. All customers parking shall be located on site.
5. A sign shall be installed to direct all customers to park in the parking lot.
6. If placement of refrigeration truck or trailer is within 50 feet of the property lines a letter must be secured from adjacent property owner(s) acknowledging their approval of said equipment. The refrigeration vehicle shall be limited to operate between the hours of 9:00 am to 8:00 pm daily. Under no circumstance shall the refrigeration truck or trailer operate between 8:00 pm to 9:00 am.

Signature: (signature on file) Date: June 23, 2003
Bradley Wilburn, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services